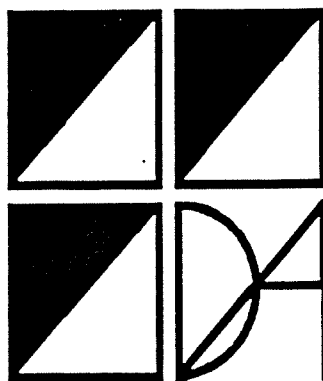


# **EXHIBIT**

# **44**

**CONTRACT**



**DORMITORY AUTHORITY – STATE OF NEW YORK**

## CONTRACT

This Agreement made as of the 27th day of August 1998 by and between the DORMITORY AUTHORITY -- State of New York, hereinafter referred to as the "OWNER" and

TRATAROS CONSTRUCTION, INC.

664 64th Street, Brooklyn, New York 11220

hereinafter referred to as the General Construction

CONTRACTOR for Work at the Baruch College

WITNESSETH: That the OWNER and the CONTRACTOR for the consideration named agree as follows:

1. The CONTRACTOR shall provide and shall perform all Work of every kind or nature whatsoever required and all other things necessary to complete in a proper and workmanlike manner the General Construction #2, - Contract #16 at Baruch College - Site B. DA # 6500 1802 2178. JDE# 61506 in strict accordance with the Contract Documents as defined in the General Conditions (and of which a listing of specifications and drawings are attached hereto) and in strict accordance with such changes as are ordered and approved pursuant to the Contract, and shall perform all other obligations imposed on such CONTRACTOR by the Contract.
- 2a. The CONTRACTOR agrees to perform all Work and labor required, necessary, proper for, or incidental to the Work, and to Furnish all supplies and materials required, necessary, proper for, or incidental to the Work for the total sum of Twenty-four Million. One Hundred Forty Thousand and 00/100 Dollars (\$24,140,000.00), which sum shall be deemed to be in full consideration for the performance by the CONTRACTOR of all the duties and obligations of such CONTRACTOR under the Contract.
- 2b. In the event the Form of Bid includes Alternates for an extended warranty service maintenance agreement, and the OWNER'S letter of intent accepts those alternates, funds for said Alternates shall be encumbered upon the final execution of said agreement. However, if the extended warranty service maintenance agreement is not signed concurrent with this contract, the warranty service provider's authorized representative acknowledges by signature hereto that the warranty service provider will execute the extended warranty service agreement which is included with the contract documents.
3. The CONTRACTOR shall commence Work on the Contract at a time to be specified in a written notice to proceed issued by the OWNER and complete the project no' later than November 1, 2000.

The CONTRACTOR shall pay to the OWNER, as liquidated damages, the sum of Five Hundred and 00/100 Dollars (\$ 500.00) for each and every day that the CONTRACTOR shall be in default after the above time of completion.

4. The full name and address of the OWNER (s):

(a.) of the land is: DORMITORY AUTHORITY-STATE OF NEW YORK, 515 Broadway, Albany, New York 12207.

(b.) of the building is: DORMITORY AUTHORITY - STATE OF NEW YORK, 515 Broadway, Albany, New York 12207.

The street address, or section, block and lot numbers, or deed book and page number of the property which is the subject of the Contract is as follows:

55 Lexington Avenue, New York, New York 10010

---

IN WITNESS WHEREOF, the parties hereto have executed this Contract the day and year first above written.

DORMITORY AUTHORITY

Douglas Van Vleet  
(Signature)

Managing Director of Construction

(Title)

TRATAROS CONSTRUCTION, INC.

(Contractor - Legal Name)

By

(Signature)

GEORGE CURIS. TREASURER  
(Title)

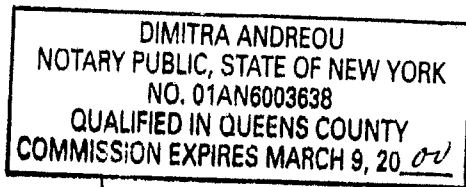
N/A

(Warranty Service Provider - Legal Name)

By

(Signature)

(Title)



Dimitra Andreou

**CERTIFICATION OF NON-SEGREGATED FACILITIES;  
NON-DISCRIMINATION IN EMPLOYMENT IN NORTHERN IRELAND  
COMPLIANCE WITH FEDERAL EQUAL EMPLOYMENT OPPORTUNITY ACT;  
COMMITMENT TO NEW YORK STATE BUSINESS ENTERPRISE;  
AND NON-COLLUSIVE BIDDING REQUIREMENT**

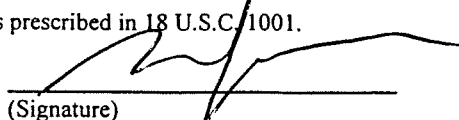
1. The CONTRACTOR certifies that the CONTRACTOR or its SubCONTRACTOR does not, nor shall not, maintain or provide for the employees of such CONTRACTOR or SubCONTRACTOR any segregated facilities at any establishments, of such CONTRACTOR or SubCONTRACTOR, and that the CONTRACTOR or SubCONTRACTOR shall not permit any employees, of such CONTRACTOR or SubCONTRACTOR, to perform services at any location, under the control of such CONTRACTOR or SubCONTRACTOR, where segregated facilities are maintained. The CONTRACTOR or SubCONTRACTOR agrees that a breach of this certification is a violation of the equal opportunity clauses of the Agreement. The CONTRACTOR or SubCONTRACTOR further agrees that, except in any instance in which the CONTRACTOR or SubCONTRACTOR has obtained identical certifications from proposed SubCONTRACTORS for specific time periods, such CONTRACTORS or SubCONTRACTOR shall obtain identical certifications from proposed SubCONTRACTORS prior to the award of subcontracts exceeding Ten Thousand Dollars (\$10,000.00); that such CONTRACTOR or SubCONTRACTOR shall retain such certifications in the files of such CONTRACTOR or SubCONTRACTOR.
2. The CONTRACTOR or SubCONTRACTOR further stipulates that it, and any individual or legal entity in which the CONTRACTOR or SubCONTRACTOR holds a ten percent (10%) or greater ownership interest and any such entity that holds such an interest in the CONTRACTOR or the SubCONTRACTOR, either:
  - (i) has no business operations in Northern Ireland; or
  - (ii) shall take all lawful steps in good faith to conduct any business operations it has or in which it has such an interest in Northern Ireland in accordance with the MacBride Fair Employment Principles as set forth in Chapter 807 of the Laws of 1992 and shall permit any independent monitoring of its compliance with said Principles.
3. The CONTRACTOR attests to its compliance with the Federal Equal Employment Opportunity Act of 1972 (P.L. 92-261), as amended.
4. It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subCONTRACTORS, and suppliers on its procurement contracts. Information on the availability of New York State subCONTRACTORS and suppliers, including the Directory of Certified Minority and Women-Owned Business Enterprises, is available from the New York State Department of Economic Development.
5. The Omnibus Procurement Act of 1992 (as amended) requires that by signing this bid/proposal, the CONTRACTOR certifies that whenever the total bid amount is greater than \$1 million:
  - (i) The CONTRACTOR has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subCONTRACTORS on this project, and has retained the documentation of these efforts to be provided upon request to the Owner.
  - (ii) The CONTRACTOR agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the **Job Service Division** of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The CONTRACTOR agrees to document these efforts and to provide said documentation to the Owner upon request.

On contracts of One Million Dollars or more, the CONTRACTOR acknowledges notice of the requirement to cooperate with New York State in efforts to obtain offset credits from foreign countries as a condition of contract award.

6. In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, the CONTRACTOR warrants, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. The CONTRACTOR further warrants that, at the time the CONTRACTOR submitted its bid, an authorized and responsible person executed and delivered to the Owner a non-collusive bidding certification on the CONTRACTOR behalf.

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

GEORGE CURIS, TREASURER  
(Name and Title of Certifier-Please Type)

  
(Signature)

9/9/98  
(Date)

ACKNOWLEDGMENT OF OFFICER OF OWNER EXECUTING CONTRACT

STATE OF NEW YORK)  
COUNTY OF ALBANY)ss:

On the 6<sup>th</sup> day of October in the year 1998 before me personally came DOUGLAS M. VAN VLECK, to me known, who, being by me duly sworn, did depose and say that he resides at 28 Furry Road, Wynantskill, New York 12198; that he is the Managing Director of Construction of the Dormitory Authority, the corporation described in and which executed the above instrument; and that he signed his name thereto by order of the Board of Directors of said corporation.

Pearl Ellen Rock  
Notary Public

**PEARL ELLEN ROCK**  
Notary Public, State of New York  
No. 01RO5022790  
Qualified in Albany County  
Commission Expires Jan. 18, 2009

ACKNOWLEDGMENT OF CONTRACTOR, IF A CORPORATION

STATE OF NEW YORK)  
COUNTY OF KINGS)ss:

On the 9TH day of SEPTEMBER in the year 1998 before me personally came GEORGE CURIS to me known, who, being by me duly sworn, did depose and say that (s)he resides at STATEN ISLAND, NEW YORK, that (s)he is the TREASURER of TRATAROS CONSTRUCTION, INC., the corporation described in and which executed the above instrument; and that (s)he signed her/his name thereto by order of the Board of Directors of said corporation.

Dimitra Andreou  
Notary Public

DIMITRA ANDREOU  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01AN6003638  
QUALIFIED IN QUEENS COUNTY  
COMMISSION EXPIRES MARCH 9, 2017

ACKNOWLEDGMENT OF CONTRACTOR, IF A PARTNERSHIP

STATE OF \_\_\_\_\_)  
COUNTY OF \_\_\_\_\_)ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 19\_\_, before me personally came \_\_\_\_\_ to me known and known to me to be a member of the firm \_\_\_\_\_, described in and who executed the foregoing instrument, and (s)he duly acknowledged to me that (s)he executed the same for and in behalf of said firm for the uses and purpose mentioned therein.

\_\_\_\_\_  
Notary Public

ACKNOWLEDGMENT OF CONTRACTOR, IF AN INDIVIDUAL

STATE OF \_\_\_\_\_)  
COUNTY OF \_\_\_\_\_)ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 19\_\_, before me personally came \_\_\_\_\_ to me known and known to me to be the person described in and who executed the foregoing instrument and (s)he duly acknowledged that (s)he executed the same.

\_\_\_\_\_  
Notary Public

ACKNOWLEDGMENT OF WARRANTY SERVICE PROVIDER, IF A CORPORATION

STATE OF \_\_\_\_\_)  
COUNTY OF \_\_\_\_\_)ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 19\_\_, before me personally came \_\_\_\_\_ to me known, who, being by me duly sworn, did depose and say that (s)he resides at \_\_\_\_\_ that (s)he is the \_\_\_\_\_ of N/A, the corporation described in and which executed the above instrument; and that (s)he signed her/his name thereto by order of the Board of Directors of said corporation.

\_\_\_\_\_  
Notary Public

ACKNOWLEDGMENT OF WARRANTY SERVICE PROVIDER, IF A PARTNERSHIP

STATE OF \_\_\_\_\_)  
COUNTY OF \_\_\_\_\_)ss:.

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 19\_\_, before me personally came \_\_\_\_\_ to me known and known to me to be a member of the firm N/A, described in and who executed the foregoing instrument, and (s)he duly acknowledged to me that (s)he executed the same for and in behalf of said firm for the uses and purpose mentioned therein.

\_\_\_\_\_  
Notary Public

ACKNOWLEDGMENT OF WARRANTY SERVICE PROVIDER, IF AN INDIVIDUAL

STATE OF \_\_\_\_\_)  
COUNTY OF \_\_\_\_\_)ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 19\_\_, before me personally came \_\_\_\_\_ to me known and known to me to be the person described in and who executed the foregoing instrument and (s)he duly acknowledged that (s)he executed the same.

\_\_\_\_\_  
Notary Public



## **SPECIFICATIONS AND DRAWINGS LISTING**

The following is a list of contract specifications and drawings placed for bid; changes, additions, and deletions made by addenda may not be listed, but remain a part of the Contract as referenced in the Form of Bid.

### **SPECIFICATIONS**

SECTION 01030: ALTERNATES  
SECTION 02518 SAND SET PAVERS  
SECTION 02520: CONCRETE SIDEWALKS  
SECTION 02900: LANDSCAPING  
SECTION 03302: CAST-IN-PLACE CONCRETE – SWIMMING POOL  
SECTION 03303: CAST-IN-PLACE CONCRETE (CURBS, EQUIPMENT  
PADS, TOPPING)  
SECTION 03551 CEMENTITIOUS FLOOR LEVELING  
SECTION 04101: MASONRY MORTARS & GROUTS (GC#2)  
SECTION 04224: INTERIOR CONCRETE BLOCK CURBS (GC#2)  
SECTION 04420: EXTERIOR STONework  
SECTION 04440: STONE TESTING  
SECTION 04450: INTERIOR STONework  
SECTION 05301: METAL DECK (GC#2) – RECITAL HALL STAGE  
SECTION 05505: MISCELLANEOUS METAL WORK  
SECTION 05510: METAL STAIRS  
SECTION 05520: HANDRAILS, RAILINGS & GUARDRAILS  
SECTION 05540: CONSTRUCTION CASTINGS  
SECTION 05700: ORNAMENTAL METAL  
SECTION 06100: ROUGH CARPENTRY  
SECTION 06200: FINISH CARPENTRY

**BARUCH COLLEGE  
GENERAL CONSTRUCTION #2 - CONTRACT #16  
DA# 6500 1802 2178**

SECTION 06400: ARCHITECTURAL WOODWORK  
SECTION 06420: WOOD PANELING  
SECTION 07111: VAULT WATERPROOFING  
SECTION 07112: WATER TANK COATING  
SECTION 07115: HOT APPLIED ASPHALTIC MEMBRANE  
SECTION 07125: CAPILLARY WATERPROOFING  
SECTION 07131: BENTONITE WATERPROOFING POOL AREA  
SECTION 07193: SELF-ADHESIVE MEMBRANE GALVANIZED  
STEEL CLOSURES AND INSULATION  
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SECTION 07210: BUILDING INSULATION  
SECTION 07218: SPRAYED THERMAL INSULATION  
SECTION 07271: FIRESTOPPING/SMOKE SEALS (GC#2)  
SECTION 07521: INVERTED HOT LIQUID MEMBRANE ROOFING  
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SECTION 07625: STAINLESS FLASHING (WITH ROOFING ONLY)  
SECTION 07628: EXTERIOR PLAZAS STAINLESS FLASHING  
SECTION 07700: ROOF ACCESSORIES  
SECTION 07903: INTERIOR JOINT SEALERS (GC#2)

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SECTION 08306: FLOOR HATCHES  
SECTION 08330: OVERHEAD COILING DOORS  
SECTION 08333: COUNTER SHUTTER  
SECTION 08340: OVERHEAD COILING GRILLES  
SECTION 08348: MANUAL FIRE RATED COUNTER SHUTTERS  
SECTION 08400: MAIL SLOT DOORS & FRAMES  
SECTION 08420: ALUMINUM AND GLASS DOORS  
SECTION 08426: INTERIOR STAINLESS STEEL ENTRANCE DOORS  
SECTION 08470: REVOLVING ENTRANCE DOORS  
SECTION 08830: UNFRAMED MIRRORS  
SECTION 08850: INTERIOR GLASS & GLAZING  
SECTION 08860: GLASS RAILINGS  
SECTION 08955: TUBULAR ALUMINUM FRAMING  
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SECTION 09216: VENEER PLASTER (GC#2)  
SECTION 09251: GYPSUM DRYWALL (GC#2)  
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SECTION 09315: SWIMMING POOL TILE  
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(FOR INFORMATION ONLY)

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A-055	SITE DETAILS
A-056	SITE DETAILS
A-075	SITE A CELLAR PLAN

EMIC CON  
6500 180;

THE BARUCH ACADEMIC COMPLEX  
DASNY PROJECT NO. 6500 1802 2178

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---	TRANSFORMER VAULT LAYOUT REINFORCEMENT PLAN	3/9/98
---	REMOVABLE P.C. ROOF SLAB SIDEWALK – DETAILS	3/9/98

**THE FOLLOWING BID PACKAGE DRAWINGS ARE INCLUDED AS PART OF THE CONTRACT DOCUMENTS:**

- CONTRACT #3: DUCTWORK
- CONTRACT #6: PLUMBING
- CONTRACT #7: SPRINKLER AND STANDPIPE WORK
- CONTRACT #10: HEATING, VENTILATION AND AIR CONDITIONING WORK
- CONTRACT #11: ELECTRICAL WORK
- CONTRACT #12: FIRE ALARM SYSTEM
- CONTRACT #13: AUTOMATIC TEMPERATURE CONTROLS

Dormitory Authority -- State of New York  
Contractor Responsibility Information Officer  
515 Broadway  
Albany, New York 12207-2964

- B. The information contained in the Uniform Contracting Questionnaire will serve as an informational resource to aid the Owner in making an award determination.

Section 22.03 - Affidavit of No Change

- A. Duly executed Uniform Contracting Questionnaires submitted to the Owner or any other Contracting Agency shall be effective for a period of one year from their execution provided that the facts attested therein have remained unchanged.
- B. The Contractor may submit a copy of a previously executed Uniform Contracting Questionnaire if it is submitted within one year of its Date of Execution and provided that it is accompanied by a duly executed Affidavit of No Change on the form annexed hereto.



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**Request for Taxpayer  
Identification Number and Certification**

Give this form to  
the requester. Do NOT  
send to IRS

Type Print	Name (If joint names, list first and circle the name of the person or entity whose number you enter in Part I below. See instructions on page 2 if you name has changed.)	
	TRATARIOS CONSTRUCTION INC.	
	Business name (Sole proprietors see instructions on page 2.) (If you are exempt from backup withholding, complete this form and enter "EXEMPT" in Part II below.)	
Address (number and street)	664 64th St.	
	City, state, and zip code BROOKLYN NY 11220	
List account number(s) here (optional)		

Part I	Taxpayer Identification Number (TIN)	Part II
Enter your TIN in the appropriate box. For individuals, this is your social security number		For Payees Exempt From Backup Withholding (See Exempt Payees and Payments on page 2)
Social Security Number		
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
OR		
Taxpayer Identification Number		
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
(SSN). For sole proprietors, see the instructions on page 2. For other entities, it is your employer identification number (EIN). If you do not have a number, see How To Obtain a TIN below.		
Note: If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter.		Requester's name and address (optional)

**Certification - Under penalties of perjury, I certify that:**

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding.

**Certification Instructions.**—You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because of underreporting interest or dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, the acquisition or abandonment of secured property, contributions to an individual retirement arrangement (IRA), and generally payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (Also see Signing the Certification on page 2.)

Sign Here Signature  Date 

**Section references are to the Internal Revenue Code**

**Purpose of Form**—A person who is required to file an information return with the IRS must obtain your current TIN to report income paid to you, real estate transactions, mortgage interest you paid, the acquisition or abandonment of secured property, or contributions you made to an IRA. Use Form W-9 to furnish your correct TIN to the requester (the person asking you to furnish your TIN) and, when applicable, (1) to certify that the TIN you are furnishing is correct (or that you are waiting for a number to be issued), (2) to certify that you are not subject to backup withholding, and (3) to claim exemption from backup withholding if you are an exempt payee. Furnishing your correct TIN and making the appropriate certifications will prevent certain payments from being subject to backup withholding.

**Note:** If a requester gives you a form other than a W-9 to request your TIN, you must use the requester's form.

**How to Obtain a TIN.**—If you do not have a TIN, apply for one immediately. To apply, get Form SS-5, Application for Social Security Card (for individuals), from your local office of the Social Security Administration, or Form SS-4, Application for Employer Identification Number (for businesses and all other entities) from your local IRS office. To complete Form W-9 if you do not have a TIN, write "Applied for" in the space for the TIN in Part I, sign and date the form, and give it to the requester. Generally, you will then have 60 days to obtain a

TIN and furnish it to the requester. If the requester does not receive your TIN within 60 days, backup withholding, if applicable, will begin and continue until you furnish your TIN to the requester. For reportable interest or dividend payments, the payer must exercise one of the following options concerning backup withholding during this 60-day period. Under option (1), a payer must backup withhold on any withdrawals you make from your account after 7 business days after the requester receives this form back from you. Under option (2), the payer must backup withhold on any reportable interest or dividend payments made to your account, regardless of whether you make any withdrawals. The backup withholding under option (2) must begin no later than 7 business days after the requester receives this form back. Under option (2), the payer is required to refund the amounts withheld if your certified TIN is received within the 60-day period and you were not subject to backup withholding during that period. **Note:** Writing "Applied for" on the form means that you have already applied for a TIN OR that you intend to apply for one in the near future. As soon as you receive your TIN, complete another Form W-9, include your TIN, sign and date the form, and give it to the requester. **What is Backup Withholding?**—Persons making certain payments to you after 1982 are required to withhold and pay to the IRS 31% of such payments under certain conditions. This is called "backup withholding". Payments that could be subject to backup withholding include interest, dividends,

broker and barter exchange transactions, rents, royalties, non-employee compensation, and certain payments from fishing boat operators, but do not include real estate transactions.

If you give the requester your correct TIN, make the appropriate certifications, and report all your taxable interest and dividends on your tax return, your payments will not be subject to backup withholding. Payments you receive will be subject to backup withholding if:

- You do not furnish your TIN to the requester, or
- The IRS notifies the requester that you furnished an incorrect TIN, or
- You are notified by the IRS that you are subject to backup withholding because you failed to report all your interest and dividends on your tax return (for reportable interest and dividends only), or
- You do not certify to the requester that you are not subject to backup withholding under 3 above (for reportable interest and dividend accounts opened after 1983 only), or
- You do not certify your TIN. This applies only to reportable interest, dividend, broker, or barter exchange accounts opened after 1983, or broker accounts considered inactive in 1983.

Except as explained in 5 above, other reportable payments are subject to backup withholding only if 1 or 2 above applies. Certain payees and payments are exempt from backup withholding and information reporting. See Payees and Payments Exempt From Backup Withhold-